

Exhibit G



James Vlahakis /HC01
10/12/2011 03:34 PM

To cwarner@warnerlawllc.com
cc
bcc
Subject Fw: MRSI

Who	Date	Time	Subject
cwarner	10/12/2011	03:34 PM	Fw: MRSI
Curtis Warner	10/12/2011	03:45 PM	Re: MRSI
Curtis Warner	10/12/2011	03:49 PM	Re: MRSI

Curtis,

In light of your clarifications, I contacted the tech person and a few issues are coming up and are giving me some concern.

You've asked us to go back 4 years to identify the cell phone number that was called. While we may know that a so-called wrong number was reported on an account, I've discovered that the historical process for reporting such calls involves removing the number from the collection records at the time the alleged wrong number is reported. In other words, the collection screens typically replace the number with 999-999-9999. To get around this, I'm looking to determine whether we can go back 4 years in time and pull phone logs and link them to the account to see which number was called and reported as a wrong number. This may involve a HUGE collection and transfer of data.

And as for the start and end report for reported wrong numbers, we should talk about how we can capture data if one or more phone numbers were reported as bad. For example, absent an account by account review, I don't think we'll be able to know WHICH number was bad. Accordingly, we may have to pull start and end records for more than one number. Does that make sense?

Finally, how do you intend to have us limit the number so U.S. Cellular? Are you proposing that we give all alleged cell numbers to U.S. Cellular to see which ones they claim as their own?

Are you free to chat Monday on these issues?

James C. Vlahakis
Hinshaw & Culbertson, LLP
222 N. LaSalle, Suite 300
Chicago, IL 60601
312-704-3715
312-704-3001 [fax]

----- Forwarded by James Vlahakis/HC01 on 10/12/2011 03:25 PM -----



James Vlahakis /HC01
10/12/2011 01:56 PM

To Curtis Warner
cc
Subject MRSI

Curtis.

You asked us the following questions last week - see our answers below:

Also I am available to discuss whether or not Defendant can provide me the following information regarding persons who its autodialer called:

- (1) The name of those persons whose collection notes show that the number was a wrong or bad number;
- (2) The cell phone number that was called by the autodialer corresponding to the person identified in (1) above; and
- (3) The date range when from when the first autodialed call was made to the date the last autodialed call was made.

Answers

1. As I now understand your question from our discussion today, you asking for the name of the debtor that Defendant was attempting to call. That being the case, Defendant can obtain the names of persons that were called where its collection notes reflect a reported wrong number. As I explained, Defendant cannot necessarily identify whether the call it made was to a cell phone at the time the call was placed or whether the wrong number report related to a home/work number. Also, Defendant cannot agree that the number was in fact a wrong number.
2. As noted above, Defendant cannot identify whether the call it made was to a cell phone at the time the call was placed. Please note that Defendant does not concede that an autodialer was used.
3. As I now understand your question from our discussion today, without conceding that an autodialer was used, you are asking us to identify the start and end date before the number was reported as a so-called wrong number. I will look into this with our IT person. Don't hold me to this, but I think we should be able to identify the dates.

Note, however, that I can't guarantee that Defendant will agree to produce the records to you absent a court order.

Let's circle back before we appear before Judge Holderman to allow me to report back on item 3. In the meantime, I will work on getting net worth by Friday and any other documents to you ASAP.

-James

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312-704-3715
312-704-3001 [fax]

Exhibit H



James Vlahakis /HC01

10/14/2011 12:16 PM

To Curtis Warner <cwarner@warnerlawllc.com>

cc

bcc

Subject Re: MRSI

Who	Date	Time	Subject
Curtis Warner	10/13/2011	11:54 AM	Siegel
Curtis Warner	10/13/2011	12:34 PM	Re: Siegel
Alex Burke	10/13/2011	12:39 PM	RE: Siegel
Alex Burke	10/13/2011	12:43 PM	RE: Siegel

Curtis,

Upon further discussion with the tech person, I realize that we're going to encounter difficulties pulling so-called "wrong number" calls prior to 2/10/2010. Prior to that date wrong number calls were not coded with RBP. While we searched four years of data, a more detailed examination of the resulting data shows that the 5,520 potential "wrong number" reports appear after 2/10/2010. Meaning, if you want to go back further in time to locate more wrong numbers, MRSI will have to write a complex program which will utilize "wild card searches" to search for manually inputted "wrong number" or "bad number" reports. That's going to be a tremendous task considering the database of calls placed going back 3 years prior to 2/2010.

Long story short, the 5,520 number appears unchanged, it's just a question of whether it could get larger if the records are reexamined as outlined above.

Let's chat through this on Monday at 1:30.

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 312-704-3715
 312-704-3001 [fax]

Exhibit I



Curtis Warner
<cwarner@warnerlawllc.com>
>

10/18/2011 10:38 AM

To James Vlahakis <jvlahakis@hinshawlaw.com>

cc

bcc

Subject Tang v. Medical Recovery

History:

✉ This message has been replied to.

Who	Date	Time	Subject
Curtis Warner	✉ 10/18/2011	10:38 AM	Tang v. Medical Recovery

Mr. Vlahakis,

In a follow up to our conversation yesterday, please be advised that I only want the TCPA class information that I requested in the format in which it was requested. Any inclusion of all the times a Defendant placed a call to a number that was later reported as wrong is not the information requested and I will consider it to be in violation of the rules of discovery. Plaintiff's interrogatory regarding the TCPA class requests Defendant to: (1) Identify the name of the person it intended to call; (2) state the date of the first call placed to the cell phone number identified as a wrong number; (3) state the date of the last call placed to the cell phone number identified as a wrong number; and (4) state the cell phone number called that was identified as a wrong number.

Regards,

Curtis Warner

Curtis C. Warner cwarner@warnerlawllc.com
Warner Law Firm, LLC
Millennium Park Plaza
155 N. Michigan Ave. Ste. 560
Chicago, Illinois 60601
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Exhibit J



Curtis Warner
<cwarner@warnerlawllc.com>
>


10/18/2011 11:45 AM

To <jvlahakis@hinshawlaw.com>

cc

bcc

Subject Re: Tang v. Medical Recovery

Who	Date	Time	Subject
 Curtis Warner	10/18/2011	11:32 AM	RE: Tang v. Medical Recovery
Curtis Warner	10/18/2011	11:45 AM	Re: Tang v. Medical Recovery

I am not going to debate this with you further. Plaintiff's point is clear and if Defendant makes an over production, Plaintiff will take appropriate action.

Regards,

Curtis Warner

Curtis C. Warner cwarner@warnerlawllc.com

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On 10/18/11 11:32 AM, "jvlahakis@hinshawlaw.com" <jvlahakis@hinshawlaw.com> wrote:

Curtis.

Please identify the purported Rule that would be violated. As I explained,

consistent with FRCP 1, we believed the dates of all calls should be added. That we may know if calls were placed to the right and/or wrong parties. Further I think the ediscovery program as well as FRCP 33 and 34 require a more collaborative approach than you demanding strict compliance with your discovery request. Finally, all you have to do is ignore the call dates when it is produced.

Let's chat about this in advance of court on Thursday. What works for you?

James.

James C. Vlahakis
Hinshaw & Culbertson LLP
222 N. LaSalle Suite 300
Chicago IL 60601
312-704-3715
312-704-3001 Fax

----- Original Message -----

From : Curtis Warner <cwarner@warnerlawllc.com>
To : James Vlahakis <jvlahakis@hinshawlaw.com>
Cc :
Sent on : 10/18/2011 10:38:07 AM
Subject : Tang v. Medical Recovery

Mr. Vlahakis,

In a follow up to our conversation yesterday, please be advised that I only want the TCPA class information that I requested in the format in which it was requested. Any inclusion of all the times a Defendant placed a call to a number that was later reported as wrong is not the information requested and I will consider it to be in violation of the rules of discovery. Plaintiff's interrogatory regarding the TCPA class requests Defendant to: (1) Identify the name of the person it intended to call; (2) state the date of the first call placed to the cell phone number identified as a wrong number; (3) state the date of the last call placed to the cell phone number identified as a wrong number; and (4) state the cell phone number called that was identified as a wrong number.

Regards,

Curtis Warner

Curtis C. Warner cwarner@warnerlawllc.com
Warner Law Firm, LLC

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Exhibit K



James Vlahakis /HC01
11/14/2011 04:41 PM

To <cwarner@warnerlawllc.com>
cc
bcc
Subject Re: Tang v. Medical Recovery

Who	Date	Time	Subject
cwarner	11/11/2011	03:24 PM	Tang v. Medical Recovery
cwarner	11/14/2011	04:41 PM	Re: Tang v. Medical Recovery
Curtis Warner	11/14/2011	04:51 PM	Re: Tang v. Medical Recovery
Curtis Warner	11/14/2011	04:52 PM	Re: Tang v. Medical Recovery

Mr. Warner.

I thought the parties mooted the need for consultation with the E-discovery liaison in light of my representation that we would be verifying the potential universe of TCPA wrong number putative class members (to be winnowed down as the court suggested). As I understood things, after we provided those answers to you all other class based discovery would be effectively stayed. Additionally, since we were going to look at just the universe of 5000 or so RBPs, you were not going to need to talk to him about how we would gather wrong numbers before the RBP code was utilized.

In light of the above, please explain why you need to speak with the EDL.

As for the verified answers, I've asked the EDL to cull down the FD CPA list as we discussed and I expect to have that done shortly. We are also in the process of working on the TCPA class. I'll report back next week on the status of these requests ASAP. I anticipate that the lists will be completed by mid-week.

-James

James C. Vlahakis
Hinshaw & Culbertson, LLP
222 N. LaSalle, Suite 300
Chicago, IL 60601
312-704-3715
312-704-3001 [fax]
<cwarner@warnerlawllc.com>



<cwarner@warnerlawllc.com>
>
11/11/2011 03:24 PM

To jvlahakis@hinshawlaw.com
cc
Subject Tang v. Medical Recovery

Mr. Vlahakis,
Please see the attached letter designating parts of Mr. Jose Rivera's deposition as

confidential.

I still have not received word from you some dates and times when your client's e-discovery person will be available to hold a conference.

Finally, I have not yet been provided a verified interrogatory response to regarding the TCPA class information as discussed before Judge Holderman. Please promptly make that disclosure.

--

Curtis Warner

Curtis C. Warner cwarner@warnerlawllc.com

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Exhibit L



James Vlahakis /HC01



11/02/2011 05:59 PM

To Curtis Warner <cwarner@warnerlawllc.com>

cc

bcc

Subject Re: Medical Recovery 

Who	Date	Time	Subject
Curtis Warner	 09/27/2011	04:25 PM	Medical Recovery
 Curtis Warner	11/02/2011	05:59 PM	Re: Medical Recovery

Curtis:

Today you represented in open court that Defendant's answers to Plaintiff's second set of discovery requests were untimely. Consistent with FRCP 1 and LR 37.2, I am writing to you to have you explain to me why you believe that your statement to the court was accurate.

-James

James C. Vlahakis
Hinshaw & Culbertson, LLP
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Chicago, IL 60601
312-704-3715
312-704-3001 [fax]

Exhibit M



James Vlahakis /HC01
10/04/2011 04:29 PM

To: Curtis Warner <cwarner@warnerlawllc.com>
cc
bcc
Subject: Re: Medical Recovery

Who	Date	Time	Subject

Hello Curtis.

I'll forward on your questions to the client. Should we set a time to discuss this on next Tuesday? Normally I'd jump on this a lot quicker but I need to head to Michigan on Friday morning to be with my sister for the funeral of her long-time boyfriend. He died unexpected the other day (45 years young).

In the meantime, I'll work on getting the verified answers signed and emailed to you before I leave.

-James

James C. Vlahakis
Hinshaw & Culbertson, LLP
222 N. LaSalle, Suite 300
Chicago, IL 60601
312-704-3715
312-704-3001 [fax]
Curtis Warner <cwarner@warnerlawllc.com>



Curtis Warner
<cwarner@warnerlawllc.com>
>
10/04/2011 04:22 PM

To: <jvlahakis@hinshawlaw.com>
cc
Subject: Re: Medical Recovery

Mr. Vlahakis,

Per our face to face conversation today, I asked for the supplemented version of the verified discovery responses. When can I expect those verified supplemental responses?

Also I am available to discuss whether or not Defendant can provide me the following information regarding persons who its autodialer called:

(1) The name of those persons whose collection notes show that the number was a wrong or bad number;

- (2) The cell phone number that was called by the autodialer corresponding to the person identified in (1) above; and
- (3) The date range when from when the first autodialed call was made to the date the last autodialed call was made.

Please advise.

Regards,

Curtis Warner

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On 10/3/11 5:40 PM, "jvlahakis@hinshawlaw.com" <jvlahakis@hinshawlaw.com> wrote:

Curtis.

Please see attache verified discovery responses.

FYI, please hold the case as I will be coming to it after a motion before Judge Coleman.

Thanks.

-James

James C. Vlahakis
Hinshaw & Culbertson, LLP
222 N. LaSalle, Suite 300

Chicago, IL 60601
312-704-3715
312-704-3001 [fax]

Curtis Warner <cwarner@warnerlawllc.com> 09/29/2011 02:34 PM

To

James Vlahakis <jvlahakis@hinshawlaw.com>

cc

Subject

Medical Recovery

Plaintiff is available for her deposition in this matter on Oct 20 following her deposition in Siegel. We request a 45 minute break in between the two depositions for lunch.

Regards,

Curtis Warner

Curtis C. Warner cwarner@warnerlawllc.com <cwarner@warnerlawllc.com>
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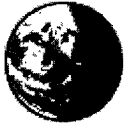
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Exhibit N





Curtis Warner
<cwarner@warnerlawllc.com>
>

10/10/2011 10:20 AM

To "jvlahakis@hinshawlaw.com" <jvlahakis@hinshawlaw.com>
cc

bcc

Subject Re: Tang vs. MRSI verified supp discovery answers

Who	Date	Time	Subject
 cwarner	10/10/2011	09:44 AM	 Tang vs. MRSI verified supp dis
Curtis Warner	10/10/2011	10:20 AM	Re: Tang vs. MRSI verifie

Is this the final supplementation of the interrogatory responses and document production, and requests for admission?

Sent from my iPhone
Curtis Warner

On Oct 10, 2011, at 9:44 AM, jvlahakis@hinshawlaw.com wrote:

Curtis.

Here is the verified supplemental discovery answers.

Have a good day. I'll send the draft Release in Tang. vs. Siegel later today. We're scheduled to chat in that case tomorrow, correct?

-James

James C. Vlahakis
Hinshaw & Culbertson, LLP
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<Supp Int Answers Verified TANG vs. MEDICAL RECOVERY.pdf>

Exhibit O



James Vlahakis /HC01

10/24/2011 12:16 PM

To <cwarner@warnerlawllc.com>

cc

bcc

Subject Re: Tang v. MRSI

Who	Date	Time	Subject
cwarner	10/19/2011	10:17 PM	Tang v. Pita Inn
cwarner	10/21/2011	04:00 PM	Re: Tang v. MRSI
cwarner	10/24/2011	12:16 PM	Re: Tang v. MRSI
Curtis Warner	10/24/2011	01:09 PM	Re: Tang v. MRSI

Curtis.

I've attached the verified supplemental discovery response to Interrogatory No. 6. Note that the proof of service says the 21st (the date I was hoping to get this back to you).

Let me know if there is anything else you need in terms of discovery.

FYI, I have a case in front of Judge Holderman at 9 am tomorrow. I'm going to try to get it first on the call if possible. Just to be safe, would you mind pushing the dep back to 10:30 a.m.? Thanks.



Verified Discovery Supo Response Int. 6 MRSI.pdf

-James

James C. Vlahakis
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312-704-3715
312-704-3001 [fax]

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LOIDY TANG, individually and on behalf of a class,)	
)	
Plaintiff,)	
)	
v.)	No. 11-C-2109
)	
MEDICAL RECOVERY SPECIALISTS, LLC,)	Judge Holderman
d/b/a MRS, d/b/a MRSI and d/b/a MEDICAL)	
RECOVERY SPECIALISTS, INC.)	Magistrate Judge Schenkier
)	
Defendant.)	

DEFENDANT'S SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 6

NOW COMES Defendant, Medical Recovery Specialists, LLC ("Defendant"), by and through its attorneys, HINSHAW & CULBERTSON LLP, and for its Supplemental Answer to Interrogatory No. 6, states as follows:

Interrogatory No. 6. For a time period from March 25, 2010 to March 25, 2011, please state the number of persons, and identify those persons including their name and last known address, with a telephone number corresponding to the 773 area code where Defendant left a prerecorded message in the form alleged in paragraph 20 of the Complaint in this lawsuit.

Answer: Objection the identification of potential class members is premature. Subject to and without waiving this objection, Defendant states that 82,913 messages were left.

Respectfully submitted,

By: s/James C. Vlahakis
James C. Vlahakis
Attorney for Defendant
HINSHAW & CULBERTSON LLP
222 North LaSalle, Suite 300
Chicago, IL 60601-1081
tel: 312-704-3000
jvlahakis@hinshawlaw.com

VERIFICATION

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury, that to the best of my knowledge, information and belief, that the above Interrogatory Answers are true and correct.

By: Jon A. Ruvlin

I hereby certify that on October 21, 2011, I served the above document on counsel of record:

Curtis C. Warner cwarner@warnerlawllc.com

Warner Law Firm, LLC

Millennium Park Plaza

155 N. Michigan Ave. Ste. 560

Chicago, Illinois 60601

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By: /s/ James C. Vlahakis

James C. Vlahakis

Hinshaw & Culbertson LLP

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Chicago, IL 60601

t 312-704-300

f 312-704-3001

jvlahakis@hinshawlaw.com

Exhibit P

JOSE RIVERA

October 25, 2011

<p>1 Q Did defendant do any investigation to 2 determine the number of people to which that message 3 was left for? 4 MR. VLAHAKIS: Object to the form of the 5 question, beyond the scope. 6 THE WITNESS: It appears so. 7 BY MR. WARNER: 8 Q Well, it says defendant states 82,913 9 messages were left? 10 A Correct. 11 Q That doesn't answer the question. It's 12 asking specifically for the number of persons. 13 A No. 14 MR. VLAHAKIS: We objected to that in the 15 answer. 16 THE WITNESS: I don't know. 17 BY MR. WARNER: 18 Q We're not asking for the objection of the 19 identification. You are objecting -- your counsel 20 only objected to the identification. That's why I 21 skipped and identified the persons including their 22 name and last known address. We're sticking with 23 the question of the number of persons. 24 A I don't know.</p>	<p>81 1 Q Have you been requested by your counsel to 2 sign any other verification statements that are 3 similar to the one that appears on Page 2 of this 4 document? 5 A No. 6 MR. WARNER: I have no further questions. 7 EXAMINATION 8 BY MR. VLAHAKIS: 9 Q Do you know who Jonathan Hicks is? 10 A Yes. 11 Q And are you aware of any investigation 12 Mr. Hicks has done into identifying any of the 13 answers or questions related to the TCPA or FDCPA 14 claims in this case? 15 A No. 16 MR. WARNER: Can you repeat what his 17 question was. 18 (Whereupon, the record was 19 read.) 20 BY MR. VLAHAKIS: 21 Q What I mean by that, do you understand if 22 he has -- I mean not the underlying facts but if he 23 has conducted searches for -- 24 A He's done searches to see how many wrong</p> <p>83</p>
<p>82 1 Q Do you know whose responsibility or maybe 2 it was assigned to to investigate the answer to 3 Interrogatory No. 6? 4 A I don't know. 5 MR. VLAHAKIS: Object to the form of the 6 question. 7 BY MR. WARNER: 8 Q Has anyone talked to you other than your 9 counsel about what the response to Interrogatory No. 10 6 should be? 11 A No. 12 Q Did you personally do any investigation to 13 determine the accuracy of the response dated in the 14 supplemental answer to Interrogatory No. 6? 15 MR. VLAHAKIS: Object to the form of the 16 question. 17 THE WITNESS: I reviewed what was given to 18 me. That's the extent of it. 19 BY MR. WARNER: 20 Q What did you review? 21 A This information that was given to me. 22 Q So other than this document, you didn't 23 review anything else? 24 A No.</p>	<p>84 1 numbers -- or how many times we left messages. That 2 I am aware of. 3 Q And do you understand how -- do you have 4 any understanding of what he may have done to 5 identify how many messages were left? 6 A He did a query to my understanding. What 7 the query involves, I don't know. I don't know how 8 he wrote the program. There's certain programs he 9 has to write in order to pull this information. 10 Q You understand he did write a program? 11 A Yes. 12 Q What is your understanding for that? 13 A As far as? 14 Q That he wrote a program. 15 A He has a program that he put together that 16 took several, several hours, if not days, in order 17 to come up with this. 18 Q Did you have a discussion with him 19 regarding his program? 20 A If you can understand Jonathan, yeah, I 21 guess you could. 22 Q Did you have a face-to-face discussion 23 with Jonathan? 24 A I have spoken to him, yes.</p>



ESQUIRE
an Alexander Gallo Company

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Suite 1200
311 West Monroe Street
Chicago, IL 60606
www.esquireolutions.com

JOSE RIVERA

October 25, 2011

<p style="text-align: right;">85</p> <p>1 Q Did you speak to him face-to-face or via 2 telephone? 3 A It would be both. 4 Q Did you have any discussions with Jonathan 5 regarding any attempts he made to try to locate 6 wrong-number or bad-number reports? 7 A Yeah. The thing with that, we had 8 conversations; and that being said, this number, I 9 don't know if it's an actual true number, it's based 10 on a preset comment, LMOM, and if the person has 28 11 accounts, all 28 accounts get stamped with it. Only 12 one call is made, but all 20 accounts get stamped. 13 So it could be a false picture. I have no way of 14 knowing. He has no way of knowing. You'd have to 15 go through the whole 82,000 or 83,000 accounts 16 individually and look at them to see whether the 17 message was correct, wasn't correct, whether it was 18 a good number, a bad number, whether the person -- 19 whether it was a manual, just because LMOM was 20 stamped on there doesn't necessarily mean it was an 21 automated message. It could have been left by a 22 collector, because that's not a restricted code. 23 Q But your understanding is he did run a 24 program to search for LMOM for the 773 area code?</p>	<p style="text-align: right;">87</p> <p>1 Q Was anybody else a part of that discussion 2 with Jonathan? 3 A Done Schwake may have been present. 4 Q I'd like to draw your attention to Page 4 5 of this document. 6 A Okay. 7 Q Is that your signature under the 8 verification? 9 A Yes. 10 Q Do you recall now reviewing that discovery 11 response and signing it? 12 A Yes. 13 Q Is it your understanding that based on 14 telephone calls placed on March 25th, 2011, your 15 preliminary answer from Jonathan is there have been 16 19 reported wrong numbers or bad messages for calls 17 that came in up to March 25th of 2011? 18 A Yes. 19 Q Sorry, March 31st of 2011? 20 A Yeah. 21 Q Okay. Do you have any way right now of 22 knowing whether or not those were actual wrong 23 number calls or they may have been falsely reported 24 by debtors?</p>
<p style="text-align: right;">86</p> <p>1 A Yes. 2 Q For the March 25th, 2010, time period, 3 correct? 4 A Yes. 5 Q Are you aware of whether Mr. Hicks 6 performed any searches to uncover whether or not 7 there were wrong numbers that were reportedly called 8 on March 25th of 2005? 9 A Yes. 10 Q I'd like to hand you a copy of -- have you 11 reviewed this document? To save time, I draw your 12 attention to Interrogatory No. 5. When you are done 13 reading that... 14 A Okay. 15 Q And are you aware of whether Jonathan 16 performed an investigation in the preparation of 17 answering that interrogatory? 18 A Yes. 19 Q And what is your understanding of what the 20 result of Jonathan's investigation was? 21 A 19 numbers came up. 22 Q Is that based on a discussion you had with 23 Jonathan? 24 A Yes.</p>	<p style="text-align: right;">88</p> <p>1 A They may have been that. My collector may 2 have -- I have -- when you have a new representative 3 join the company and they're trained, one of the 4 longest or shortest things is preset comments. We 5 have a slew of preset comments in place, and they're 6 taught the basic ones. Then they in turn decipher 7 which is best for them and so on and so forth. So 8 there's no real standard uses of preset comments. 9 So it could be -- they could be correct, they may be 10 incorrect. 11 Q And when did you first become employed by 12 Medical Recovery Specialists? 13 A December 6th, 1999. 14 Q You are a current employee of Medical 15 Recovery Specialists? 16 A Yes. 17 Q During the time period of your employment, 18 has Medical Recovery Specialists skip traced medical 19 accounts to attempt to locate debtors? 20 A No. 21 Q Is it the method for contacting debtors 22 that you receive contact information from the 23 hospital which is then placed into your telephone 24 system?</p>



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JOSE RIVERA

October 25, 2011

<p>121</p> <p>1 called, and someone on the floor is working the</p> <p>2 accounts, manually calling accounts and they see</p> <p>3 Joe, they see predictive, they say I can't call,</p> <p>4 it's part of the campaign. They bypass and won't</p> <p>5 call it allowing the dialer to make the call and</p> <p>6 have it speak to a representative that is actually</p> <p>7 sitting at the dialer.</p> <p>8 Q Does defendant have any documents that</p> <p>9 show that the hot button was ever pressed on any of</p> <p>10 the calls that left a message on the machine that</p> <p>11 were similar in the form of the message we heard?</p> <p>12 A No.</p> <p>13 MR. VLAHAKIS: Object to the form of the</p> <p>14 question.</p> <p>15 BY MR. WARNER:</p> <p>16 Q Was that a no?</p> <p>17 A No.</p> <p>18 Q Does the defendant do anything to</p> <p>19 ascertain prior to the predictive dialer calling a</p> <p>20 telephone number whether or not the telephone number</p> <p>21 is reaching the intended person?</p> <p>22 MR. VLAHAKIS: Object to the form of the</p> <p>23 question. What time period are we talking</p> <p>24 about?</p>	<p>123</p> <p>1 (Whereupon, Exhibit L was marked</p> <p>2 for identification.)</p> <p>3 BY MR. WARNER:</p> <p>4 Q Have you seen this document that we have</p> <p>5 marked as Exhibit L before?</p> <p>6 MR. VLAHAKIS: Objection, beyond the</p> <p>7 scope.</p> <p>8 THE WITNESS: No, personally I haven't.</p> <p>9 BY MR. WARNER:</p> <p>10 Q Do you know if prior to last week and on</p> <p>11 or after September 29th, 2011, whether defendant has</p> <p>12 conducted any investigation into -- for all cellular</p> <p>13 telephone numbers that were called by defendant</p> <p>14 using automatic dialer or artificial prerecorded</p> <p>15 voice where defendants' record indicate the</p> <p>16 telephone number called was a bad or wrong number --</p> <p>17 MR. VLAHAKIS: Objection, beyond the</p> <p>18 scope.</p> <p>19 BY MR. WARNER:</p> <p>20 Q For the time period of September 29th,</p> <p>21 2007, to September 29th, 2011, do you know if</p> <p>22 defendant has between that time period of last week</p> <p>23 and September 29th, if defendant has done any</p> <p>24 investigation into answering what is proposed here</p>
<p>122</p> <p>1 THE WITNESS: I don't understand the</p> <p>2 question.</p> <p>3 BY MR. WARNER:</p> <p>4 Q Okay. Defendant gets a number, a</p> <p>5 telephone number?</p> <p>6 A Okay.</p> <p>7 Q Let's take a look at Exhibit F. You have</p> <p>8 the second page, you got the letter of the patient</p> <p>9 going out, C1, you get a mail return, no forwarding</p> <p>10 address, 3/25 it goes to predictive dialer. Did</p> <p>11 defendant do anything to ascertain that the number</p> <p>12 that the predictive dialer was calling corresponded</p> <p>13 with the intended recipient, which in this case</p> <p>14 would be Leonda Busby?</p> <p>15 MR. VLAHAKIS: Object to the form of the</p> <p>16 question, beyond the scope.</p> <p>17 THE WITNESS: To answer your question, no,</p> <p>18 we relied on the information our client</p> <p>19 provided us.</p> <p>20 BY MR. WARNER:</p> <p>21 Q Typically, that is all that the defendant</p> <p>22 does is rely on the information that is provided to</p> <p>23 the defendant from the original creditor?</p> <p>24 A Correct.</p>	<p>124</p> <p>1 as Interrogatory No. 1?</p> <p>2 MR. VLAHAKIS: Other than what he</p> <p>3 testified to already?</p> <p>4 THE WITNESS: No. I have no idea.</p> <p>5 BY MR. WARNER:</p> <p>6 Q Okay. And now you had mentioned that</p> <p>7 Mr. Hicks had conversations with your counsel or</p> <p>8 with defense counsel regarding the discovery in this</p> <p>9 case, is that correct?</p> <p>10 A He's provided our counsel with</p> <p>11 information, correct.</p> <p>12 Q And you believe that to the best of your</p> <p>13 knowledge that the defendant believes Mr. Hicks has</p> <p>14 provided its defense counsel accurate information</p> <p>15 regarding plaintiffs' discovery request in this</p> <p>16 matter?</p> <p>17 A I believe he's provided the technical,</p> <p>18 yes.</p> <p>19 Q What about accurate information?</p> <p>20 A As accurate as he can get.</p> <p>21 (Whereupon, Exhibit M was marked</p> <p>22 for identification.)</p> <p>23 BY MR. WARNER:</p> <p>24 Q There is halfway through the page on</p>



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JOSE RIVERA

October 25, 2011

<p style="text-align: right;">125</p> <p>1 interrogatory response No. 5 it talks about wrong 2 number reports for nationwide calls placed on 3 3/25/11 covering inbound calls of wrong numbers 4 placed through 3/31/2011 is 19 identified as the 5 cells during the scrub performed this week. 6 Does that accurately reflect your 7 previous testimony regarding the number of wrong 8 number calls on 3/25/2011? 9 MR. VLAHAKIS: Object to the form of the 10 question, vague. Do you understand the 11 question? 12 THE WITNESS: No, I don't. 13 BY MR. WARNER: 14 Q Do you remember talking about number 19? 15 A Correct. 16 Q What was your understanding of your 17 discussion about the No. 9 teen? 18 A The number 19 is the number of calls that 19 fell under wrong number during that time frame. 20 Q The time frame is? 21 A 3/25 to 3/31. 22 Q Okay. 23 A 2011. 24 Q So that time period. Now, there is some</p>	<p style="text-align: right;">127</p> <p>1 BY MR. WARNER: 2 Q Do you understand that the allegation in 3 the complaint as amended deals with wrong numbers 4 that are reported within defendants' records? 5 A That we have notated as wrong number. 6 Q That's correct. Do you have any evidence 7 that any of your collectors, and by evidence do you 8 have any documents that show any of your collectors, 9 the defendants' collectors wrongly reported a wrong 10 number in the collection notes? 11 MR. VLAHAKIS: Object to the form of the 12 question, objection to the scope of discovery, 13 we objected to the burdensome nature of this 14 and it's not necessarily that we have done 15 anything more than that. 16 THE WITNESS: No. 17 BY MR. WARNER: 18 Q In your conversations with Mr. Hicks, 19 isn't it correct that as far as the amended class 20 complaint goes they have identified potentially 21 5,520 records where it shows that a wrong number was 22 reported, and that number was a cellphone number? 23 MR. VLAHAKIS: Object to the form of the 24 question.</p>
<p style="text-align: right;">126</p> <p>1 information that says wrong number reports for 2 nationwide calls going back 3/25/2011 is 5,520? 3 A Okay. 4 Q Do you know what that 5,520 number is? 5 MR. VLAHAKIS: Object to the form of the 6 question. 7 THE WITNESS: Wrong numbers. 8 BY MR. WARNER: 9 Q So it's people that have reported -- so 10 defendant had dialed 5,520 wrong numbers? 11 A Possibly. 12 MR. VLAHAKIS: Object to the form of the 13 question. 14 THE WITNESS: Possibly, but then again, 15 what is a wrong number? It depends on the way 16 you are looking at it. Perfect example, back 17 to my children, they give my phone number. 18 That doesn't mean it's a wrong number. They 19 are my children. I picked it up, they asked 20 for Kenny. I say, you got the wrong number, 21 this isn't Kenny. They take out the number, 22 but Kenny is my son, or Gerino. It doesn't 23 mean that it's a wrong number. It's that it's 24 wrong to me.</p>	<p style="text-align: right;">128</p> <p>1 THE WITNESS: I don't know. 2 (Whereupon, <u>Exhibit N</u> was 3 marked.) 4 BY MR. WARNER: 5 Q James C. Vlahakis is one of the attorneys 6 at the law firm representing defendant in this case? 7 A Yes. 8 Q If you look at the second paragraph, "I 9 will issue a supplemental verified discovery 10 response to Int. No. 6. I believe the final figure 11 for area 773 code will be 1,109 accounts. The prior 12 number relates to the number of messages left." 13 Do you see that in the second 14 paragraph of this e-mail in <u>Exhibit N</u>? 15 A Yes, I see it. 16 Q So that 1,109 accounts, a person can 17 potentially have more than one account? 18 A Yes. 19 Q Has defendant done any investigation to 20 determine out of those 1,109 accounts stated in this 21 e-mail whether any of those accounts belong to the 22 same person? 23 MR. VLAHAKIS: Object to the form of the 24 question. Does he recall the judge told us to</p>



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Exhibit Q



James Vlahakis /HC01
11/18/2011 02:45 PM

To: Curtis Warner <cwarner@warnerlawllc.com>
cc
bcc
Subject: Fw: Tang v. Diversified

Who	Date	Time	Subject
 Curtis Warner	 11/18/2011	02:45 PM	Fw: Tang v. Diversified

Curtis, since I'm going to be on vacation for part of next week, please let me know if you'd like to propose any alternative language. I'd like to wrap this up today if possible.


Thanks.

James C. Vlahakis
Hinshaw & Culbertson, LLP
222 N. LaSalle, Suite 300
Chicago, IL 60601
312-704-3715
312-704-3001 [fax]

----- Forwarded by James Vlahakis/HC01 on 11/18/2011 02:44 PM -----



James Vlahakis /HC01
11/18/2011 01:06 PM

To: Curtis Warner <cwarner@warnerlawllc.com>
cc
Subject: Re: Tang v. Diversified 

I thought you agreed to modify it as indicated. Is there any other language you wish to propose that's a fair compromise for both parties?

James C. Vlahakis
Hinshaw & Culbertson, LLP
222 N. LaSalle, Suite 300
Chicago, IL 60601
312-704-3715
312-704-3001 [fax]
Curtis Warner <cwarner@warnerlawllc.com>



Curtis Warner
<cwarner@warnerlawllc.com>
11/18/2011 01:03 PM

To: "jvlahakis@hinshawlaw.com" <jvlahakis@hinshawlaw.com>
cc
Subject: Re: Tang v. Diversified



I do not agree to the no solicit putative class members language and I told you that in person last week.

Sent from my iPhone
Curtis Warner

On Nov 18, 2011, at 12:57 PM, jvlahakis@hinshawlaw.com wrote:

Curtis.

Here's the revised draft order.

If you're fine with these changes (or have edits to which I agree to), we can apply them to the Todd case.

James C. Vlahakis
Hinshaw & Culbertson, LLP
222 N. LaSalle, Suite 300
Chicago, IL 60601
312-704-3715
312-704-3001 [fax]

----- Forwarded by James Vlahakis/HC01 on 11/18/2011 12:52 PM -----

I meant to add that I will send you an updated draft for you approval.

James C. Vlahakis
Hinshaw & Culbertson, LLP
222 N. LaSalle, Suite 300
Chicago, IL 60601
312-704-3715
312-704-3001 [fax]

James Vlahakis/HC01

11/15/2011 01:26 PM

To: Curtis Warner <cwarner@warnerlawllc.com>
cc
Subject: Re: Tang v. Diversified [Link](#)

Mr. Vlahakis,

Are you going to shortly file the motion for a protective order? If not, please advise. If so, please advise if you plan on filing it after Defendant's responses are due.

Regards,

Curtis Warner

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Curtis Warner <cwarner@warnerlawllc.com>

To James Vlahakis <jvlahakis@hinshawlaw.com>

cc

Subject Tang v. Diversified

11/15/2011 01:25 PM

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